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APPLICATION NO. 09/537,966	FILING DATE 09/11/00	JAIN FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. 13805
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THEODORE J BIELEN JR
BIELEN LAMPE & THOEMING
SUITE 720
1990 N CALIFORNIA BLVD
WALNUT CREEK CA 94596

QM32/0709

EXAMINER BREVARD, M

ART UNIT 3727	PAPER NUMBER
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DATE MAILED:

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07/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/637,966

Applicant(s)

JAIN, VINO O

Examiner

Maerena W. Brevard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fourth plate lying immediately adjacent the third plate in the recess must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The disclosure includes the following informalities: in claim 7, line 3, "removable" should be changed to --removably--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-6 and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, line 4 and claim 10, line 4, respectively, it is unclear how the fourth plate lies immediately adjacent the third plate in the recess.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehls.

Mehls discloses a vehicle hitch supported cargo carrier mechanism comprising:

- an adapter (28) connecting the hitch to a vehicle
- a base member (24) comprising an upright element
- a platform (16)
- a connector (23) linked to the platform; and
- locking means (34) for fixing the rotating movement of the connector and linked platform.

Regarding claim 2, the upright member comprises a first and second plate (Figure 4).

Regarding claim 3, the base member further includes a first stop (34) preventing rotation of the platform in one direction of rotation and a second stop (34) for preventing rotation in another direction (Column 5, lines 1-16).

7. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Zahn et al.

Zahn discloses a vehicle hitch supported cargo carrier mechanism comprising:

- an adapter (17) connecting the hitch to a vehicle
- a base member (18) comprising an upright element
- a platform (21)
- a connector (26) linked to the platform; and
- locking means (39) for fixing the rotating movement of the connector and linked platform.

Regarding claim 7, the platform further comprises at least one post (71) extending outwardly therefrom, the post being removably held to the platform.

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Allowable Subject Matter

8. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 4-6 and 10- 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller is cited for a cargo carrying system with a platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-T; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703/308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703/305-3579 for regular communications and 703/308-7769 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-0037.

ma
Maerena Brevard
July 2, 2001


Allan N. Shoap
Supervisory Patent Examiner
Group 3700